

09-05-02

RPA/EP3436
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PTO/SB/29 (2/98)

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

+ *FF & IDS*

CHECK BOX, if applicable:

DUPLICATE

| | | |
|--|------------------------|------------------------|
| <p>Address to:</p> <p style="text-align: center;">Assistant Commissioner for Patents Box CPA Washington, DC 20231</p> | Attorney Docket No. | 1826-017 (056427-5014) |
| | First Named Inventor | Dirk Freund, et al. |
| | Examiner Name | Robert L. Nasser |
| | Group / Art Unit | 3736 |
| | Express Mail Label No. | EL772830390US |

This is a request for a continuation or divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 582,471,
filed on August 15, 2000, entitled "METHOD AND MEASURING DEVICE FOR DETERMINING BLOOD...."

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
.....
b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
a. PTO-1449
b. Copies of IDS Citations

 TECHNOLOGY CENTER 1800
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09/06/2002 AWONDAF1 00000067 082776 09582471
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 01 FC:131 740.00 CH
02 FC:103 90.00 CH

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|---|------------------|------------------|---------------------------------|------------------|
| | TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j)) | -20* = | 5 | x \$ 18 = | \$ 90.00 |
| | INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i)) | -3** = | 0 | x \$ 0 = | 0 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d)) | | | + \$ _____ = | 0 |
| | | | | BASIC FEE (37 C.F.R. § 1.16) | 740.00 |
| | | | | Total of above Calculations = | |
| | Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28). | | | | |
| | * Reissue claims in excess of 20 and over original patent. | | | TOTAL = | 830.00 |
| | ** Reissue independent claims over original patent. | | | | |

6. Small entity status:

- a. A small entity statement is enclosed, if (b) and (c) do not apply.
- b. A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08 - 2776:

- a. Fees required under 37 C.F.R. § 1.16.
- b. Fees required under 37 C.F.R. § 1.17.
- c. Fees required under 37 C.F.R. § 1.18.

8. A check in the amount of \$_____ is enclosed.

9. Other:

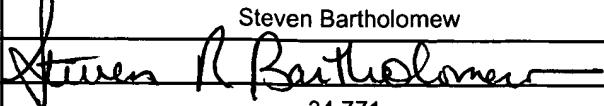
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NOTE: *The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

| | | | | | |
|--|---|-----------|----------------|--|----------------|
| <input type="checkbox"/> Customer Number or Bar Code Label | (Insert Customer No. or Attach bar code label here) | | | <input checked="" type="checkbox"/> New correspondence address below | |
| Name | Steven R. Bartholomew | | | | |
| Address | Morgan, Lewis & Bockius, LLP 101 Park Avenue | | | | |
| City | New York | State | New York | Zip Code | 10178-0060 |
| Country | USA | Telephone | (212) 309-2126 | Fax | (212) 309-6001 |

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------------------------------|--|
| Name (Print /Type) | Steven Bartholomew |
| Signature |  |
| Registration No. (Attorney/Agent) | 34,771 |
| Date | September 3, 2002 |



Please type a plus sign (+) inside this box →

PTO/SB/21 (12-97)
Approved for use through 9/30/00. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|--|------------------------|------------------------|
| | | Application Number | 09/582,471 |
| | | Filing Date | August 15, 2000 |
| | | First Named Inventor | Dirk Freund, et al |
| | | Group Art Unit | 3736 |
| | | Examiner Name | Robert L. Nasser |
| Total Number of Pages in This Submission | | Attorney Docket Number | 1826-017 (056427-5014) |

ENCLOSURES (check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> Remarks | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> CPA Transmittal, CleanVersion of Claims & Return Receipt Postcard. |
|--|---|---|

TECHNOLOGY CENTER R3
SEP 10 2002

| | | |
|--|-----------------------|-------------------------|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | Steven R. Bartholomew | Registration No. 34,771 |
| Signature | | |
| Date | September 3, 2002 | |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

| | | | |
|-----------------------|------------|------|-------------------|
| Typed or printed name | Mary Nagle | | |
| Signature | | Date | September 3, 2002 |

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FEES TRANSMITTAL for FY 2002

SEP 03 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

830.00

Complete if Known

| | |
|----------------------|------------------------|
| Application Number | 09/582,471 |
| Filing Date | August 15, 2000 |
| First Named Inventor | Dirk Freund |
| Examiner Name | Robert L. Nasser |
| Group Art Unit | 3736 |
| Attorney Docket No. | 1826-017 (056427-5014) |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **08-2776**
Deposit Account Name **Morgan, Lewis & Bockius, LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Fee Code | Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|--|-----------------------|-----------------------|---|----------|
| 105 | 130 | 205 | 65 Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 Non-English specification | |
| 147 | 2,520 | 147 | 2,520 For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 Extension for reply within first month | |
| 116 | 400 | 216 | 200 Extension for reply within second month | |
| 117 | 920 | 217 | 460 Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 Notice of Appeal | |
| 120 | 320 | 220 | 160 Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 Design issue fee | |
| 144 | 620 | 244 | 310 Plant issue fee | |
| 122 | 130 | 122 | 130 Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 Request for expedited examination of a design application | |
| Other fee (specify) <u>Publication Fee</u> | | | | |

SUBTOTAL (1) (\$)

740.00

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|------------------------|----------|
| Independent | 25 | -20** = 5 X 18 = 90.00 | |
| Multiple Dependent | | -3** = 0 X 0 = 0 | |

Large Entity Small Entity

| Fee Code (\$) | Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description |
|---------------|-----------------------|-----------------------|--|
| 103 | 18 | 203 | 9 Claims in excess of 20 |
| 102 | 84 | 202 | 42 Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

90.00

**or number previously paid, if greater; For Reissues, see above

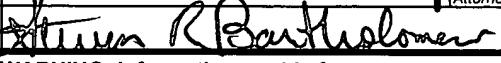
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | Steven R. Bartholomew | Registration No. (Attorney/Agent) | 34,771 | Telephone | (212) 309-2126 |
| Signature |  | | | Date | September 3, 2002 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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